

Form 2.1 Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Responsible Entity: New Jersey Department of Community Affairs, Charles Richman, Commissioner

Applicant Name Ronald (First) Ray (Last)

-or- (Business/Project Name)

Project Location 14 West 3rd Street, (Street Address)

Moonachie Borough (Municipality) Bergen (County) NJ (State)

62 (Block) 2 (Lot)

CONDITIONS FOR APPROVAL

Conditions for Approval [40 CFR 1505.2(c)]: (List all mitigation and project modification measures required by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as required. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.)

General

1. *Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.*
2. *If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.*

Air Quality

3. *Use water or chemical dust suppressant in exposed areas to control dust.*
4. *Cover the load compartments of trucks hauling dust-generating materials.*
5. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
6. *Retrofit older equipment with pollution controls.*
7. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
8. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
9. *Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*
 - a. *Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);*
 - b. *Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of*

0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);

c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and

d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

10. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

11. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).

12. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Coastal Zone Management

13. A zoning certificate must be obtained prior to the commencement of any site work, including land improvement and fill placement and construction, moving, remodeling or reconstruction of any structure or structure addition (with the exception of building demolition and maintenance).

Endangered Species

14. While bat surveys are no longer required for northern long-eared bats in buildings, if bats (of any species) happen to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot be knowingly harmed or harassed.

Floodplain

15. All proposed reconstruction, repair, and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).

16. As this project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1, reconstruction and elevation projects within the same footprint may qualify for a Flood Hazard Area permit permit-by-rule provided the criteria at N.J.A.C. 7:13-7.2(a)3 is met.

17. All structures funded by the Low-to-Moderate Income (LMI) Homeowner Rebuilding Program, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)].

18. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Hazardous Materials

19. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145*
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150*
- NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials*

- *New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.*

20. *Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).*

21. *All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.*

22. *All residential structures must be free of mold attributable to Superstorm Sandy.*

23. *During demolition, reconstruction and elevation activities, contractors should take all required precautions to ensure that the AST associated with the subject MHU is either avoided or removed according to pertinent local and state requirements.*

FINDING

☐ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR

☒ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

FUNDING INFORMATION

Note: Certification signatures can be found at the end of the document.

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	Low-to-Moderate Income (LMI) Homeowner Rebuilding Program	\$150,000.00
		\$0.00
		\$0.00

Estimated Total HUD Funded Amount:

\$150,000.00

Estimated Total HUD Funded Amount Description

The Low-to-Moderate Income (LMI) Homeowner Rebuilding Program assists eligible applicants whose homes were damage by Superstorm Sandy to complete the necessary work to make their homes livable and compliant with floodplain, environmental and other State and local requirements. The LMI Program is intended to supplement other funds the owner has received to repair or reconstruct the structure. The LMI Program provides grants of up to \$150,000 to eligible applicants. For this application, the U.S. Department of Housing and Urban Development (HUD) funding amount is \$150,000.00 for the demolition of the existing temporary manufactured housing unit (MHU) and reconstruction and elevation of a new single-family MHU on a lot located at 14 West 3rd Street in Moonachie, Bergen County, New Jersey.

Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds)

\$159,328.56

Estimated Total Project Cost Description

The total project cost is \$159,328.26 based on the project's Form 6 and ECR materials (see LMI0001673R_ApplicationMaterials).

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The purpose of this proposed project is the demolition of the existing temporary MHU and reconstruction and elevation of a new single-family MHU on a lot located at 14 West 3rd Street in Moonachie, Bergen County, New Jersey (Block 62, Lot 2 [portion off]). The LMI Program provides funding to assist eligible applicants whose homes were damage by Superstorm Sandy to complete the necessary work to make their homes livable and compliant with floodplain, environmental and other State and local requirements. The proposed project is needed to aid in the applicant's recovery from Superstorm Sandy and to eliminate vulnerability to future flooding conditions.

Description of the Proposed Project [24 CFR 50.12 & 58.32, 40 CFR 1508.25]: (Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.)

The LMI Program provides funding to assist eligible applicants whose homes were damage by Superstorm Sandy to complete the necessary work to make their homes livable and compliant with floodplain, environmental and other State and local requirements.

The proposed action involves the demolition of an existing, temporary MHU and reconstruction and elevation of a new single-family MHU on a lot located at 14 West 3rd Street in Moonachie, Bergen County, New Jersey (Block 62, Lot 2 [portion off]). The existing, temporary MHU was manufactured in 1974 (based on insurance records maintained by Vanguard Associates; see LMI0001673R_Vanguard) and occupies approximately 0.0275 acres of land (per lot size measurements obtained through the NJDEP Online Screening Tool; see LMI0001673R_Acreage). Elevation of the new MHU is also proposed (see LMI0001673R_ApplicationMaterials). The new MHU would be installed on the currently

occupied concrete pad. A concrete masonry unit (CMU) foundation sill up to 6 feet high would be built on the existing pad to elevate the new MHU. The proposed activities to be completed include the demolition of the existing, temporary MHU, removal of one 270-gallon fuel oil storage tank, asbestos abatement, and addition of Americans with Disabilities Act-accessible bath tub with grab bars, shower wand, seat and accessible vanity. The total estimated cost of the proposed work, including cost of the new MHU, is \$135,930.49. Repairs reported to have been completed since October 29, 2012, include application of anti-microbial agent; priming/sealing/painting of wall and ceilings; application of polyurethane foam to confined spaces; removal and disposal of baseboard, subfloor, and sleepers; removal of wet, non-salvageable carpet and associated padding; installation of carpet and carpet pad; installation of plywood sheathing; replacement of an insulated, metal exterior door and lockset/deadbolt; hanging/taping/floated drywall; replacement of lower base and upper wall kitchen cabinets; replacement of laminate countertop, single-basin kitchen sink, freestanding gas range, and refrigerator; removal of non-salvageable vinyl flooring; preparation of floor for resilient flooring; installation of vinyl floor covering; assembly of storm door; and replacement of forced air furnace. The total estimated cost of these repairs is \$23,398.07. The total estimated cost of repair (proposed activities and completed repairs) is \$159,328.56. As the project activities involve demolition, reconstruction and elevation, the proposed project is considered a substantial improvement. See attached Project Location Map file LMI0001673R_ProjectLocationMap, photo log file LMI0001673R_Photolog and tax card file LMI0001673R_TaxCard.

STATUTORY CHECKLIST [24 CFR 50.4, 24 CFR 58.5]

DIRECTIONS - For each authority, check either Box "A" or "B" under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

"B box" The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data.

Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS	Compliance Documentation

1. Air Quality [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves demolition, new construction, and major rehabilitation, but not acquisition of undeveloped land, or change of land use.</i></p> <p><i>According to the U.S. Environmental Protection Agency (USEPA), Bergen County has been designated a nonattainment or maintenance area for four National Ambient Air Quality Standards (NAAQS) (see LMI0001673R_USEPANonAttainmentMaintenanceforNAAQS):</i></p> <ul style="list-style-type: none"> <i>• a marginal nonattainment area for 8-hour ozone (2008 Standard)</i> <i>• a non-classified maintenance area for carbon monoxide (1971 Standard)</i> <i>• a maintenance area for PM-2.5 (2006 Standard)</i> <i>• a maintenance area for PM-2.5 (1997 Standard)</i> <p><i>The 1-hour ozone standard (1979) was revoked on June 15, 2005, and the 8-hour ozone standard (1997) was revoked on April 6, 2015.</i></p> <p><i>Emissions associated with the proposed project are estimated to be well below the threshold when compared to the federal General Conformity Rule de minimis thresholds.</i></p> <p><i>There will be temporary, unavoidable increases in particulate matter levels during the proposed demolition and reconstruction of the MHUs. While air quality may be temporarily affected during improvement activities, the proposed project will adhere to state air quality standards (N.J.A.C. 7:27-1 et seq.). Air quality effects will be mitigated to the extent feasible.</i></p> <p><i>The Division of Air Quality (DAQ) has revised the General Conformity Applicability Analysis for the DCA, HUD Community Development Block Grant for Disaster Recovery (CDBG-DR) for the Hurricane Sandy recovery efforts according to a memorandum from the DAQ dated November 18, 2015 (see LMI0001673R_RevisedGeneralConformityApplicability). The general conformity analysis is required by the Clean Air Act and Federal Regulation (40 CFR Part 93, (Subpart B)). This revision is due to updated information received from the Sandy Recovery Environmental and Historic Preservation Review Program regarding commercial construction activities associated with the CDBG-DR, which were not assessed in the original environmental assessment. The revised estimated air emissions, including the air emissions related to commercial construction activities, continue to remain below the Federal General Conformity regulation's de minimis thresholds and are presented to conform to the State Implementation Plan (SIP).</i></p> <p><i>To avoid adverse air quality impacts, compliance with the regulatory requirements of New Jersey's Air Rules continues to remain in effect. Activities must still meet the State's Air Pollution Control requirements, e.g., obtaining permits when necessary, adherence to idling limitations, implementation of all reasonable measures to mitigate dust and fugitive emissions from demolition and construction and complying with all state and federal rules for demolition of structures which may contain asbestos.</i></p>
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction and major rehabilitation, but not acquisition for construction, change in land use, or increase in density.</i></p> <p><i>Because the proposed project is located within Bergen County, it did not require the use of the Environmental Review Tool because that county is too far away from the airports of interest (Newark Liberty International, Atlantic City International and the Lakehurst Naval Air Station) to be a concern. Therefore, preparation of an Airport Hazards map for the proposed project was not required. Teterboro Airport is present to the north of the mobile home community containing the proposed project location beyond Moonachie Avenue. Due to the level of airport traffic at Teterboro Airport, this airport is not of concern.</i></p>
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction and major rehabilitation, but not acquisition of undeveloped land, or change of land use.</i></p> <p><i>Per the New Jersey Department of Environmental Protection's (NJDEP) HUD Environmental Review Tool, the proposed project is located within the Hackensack Meadowlands zone (see LMI0001673R_CoastalZoneManagementMap). As the proposed project activities involve demolition, reconstruction and elevation, NJDEP Division of Land Use Regulation (DLUR) permit determination consultation was required. Per DLUR, Waterfront Development and CAFRA permits are not required for the proposed project based on a review of Coastal Zone Management Rules, the project may be presumed to be consistent with the New Jersey Coastal Zone Management Program, and a Water Quality Certificate is authorized (see LMI0001673R_DLURResponse). The proposed project is not located within the regulated boundaries of the Upland Waterfront Development Zone or the CAFRA zone and permits pursuant to these applicable statutes are not required (see LMI0001673R_CoastalZoneManagementMap).</i></p> <p><i>A zoning certificate must be obtained prior to the commencement of any site work, including land improvement and fill placement and construction, moving, remodeling or reconstruction of any structure or structure addition (with the exception of building demolition and maintenance)</i></p>

<p>4. Contamination and Toxic Substances [24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input type="radio"/> A <input checked="" type="radio"/> B</p>	<p><i>Of the applicable activities, it involves demolition, new construction, and rehabilitation, but not acquisition and leasing, change of use to residential, or construction or improvements to infrastructure.</i></p> <p><i>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended use of the property.</i></p> <p><i>To identify sites near the proposed project locations that have hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of the NJDEP's HUD Environmental Review Tool was conducted. This review identified that the project locations are located within the 3,000-foot radius of one (1) "threatening" site (see LMI0001673R_ContaminationandToxicSubstancesMap). The site is identified as Dover Diesel Service Corp. (Site ID 19,257) and was reviewed by NJDEP, which found this site to be in substantial compliance with NJDEP regulations and therefore considered under control. No other investigations are required, and the analysis is concluded (see LMI0001673R_NJDEPResponse).</i></p> <p><i>The parcel may be within the 3,000-foot radius of a Hazardous Waste cleanup site, Landfill, solid waste cleanup site or Hazardous Waste facility that handles hazardous materials or toxic substances; however, all sites that were determined by NJDEP to be "non-threatening" to the potential HUD project are not depicted on the map. Only sites determined to be "threatening" by the NJDEP are depicted on the map.</i></p> <p><i>The site reconnaissance performed on March 8, 2016, revealed no visible recognized environmental conditions (RECs) in the vicinity of the proposed project (see LMI0001673R_FieldInspectionReport). There were no obstacles to identification of RECs. One approximately 270-gallon kerosene aboveground storage tank (AST) was observed outside and adjacent to the MHU located at 14 West 3rd Street. The AST appeared to be in fair condition, with no signs of leakage or spillage. Based on overall condition and absence of signs of leakage or spillage, the AST associated with the MHU currently located on the project site is not considered a potential concern (see LMI0001673R_FieldInspectionReport). However, during demolition, reconstruction and elevation activities, contractors should take all required precautions to ensure that the AST is either avoided or removed according to pertinent local and state requirements. In addition, the project site is not listed on a State or Federal Hazardous Waste sites database (see LMI0001673R_ContaminationandToxicSubstancesMap).</i></p> <p><i>All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules.</i></p> <p>Asbestos</p> <p><i>The temporary MHU located at 14 West 3rd Street was manufactured in 1974 (based on insurance records maintained by Vanguard Associates; see LMI0001673R_Vanguard); because the MHU was constructed prior to 1980, asbestos is assumed to be present and is a potential concern. According to a Limited Asbestos Inspection Report prepared for the project location by McCabe Environmental Services, L.L.C. (McCabe) dated February 16, 2016, a limited asbestos inspection was conducted at the MHU which currently exists at the 14 West 3rd Street location to determine the presence of asbestos-containing materials (ACM) that would be impacted by work (proposed demolition) at the MHU. The limited asbestos inspection was completed by sampling suspect ACM and/or presuming suspect ACM as containing asbestos. Suspect ACM materials examined and identified during the limited inspection included exterior caulking, interior caulking, white linoleum flooring, brown and white squared linoleum sheet flooring, 10-foot by 4-foot ceiling panels, and flat roofing tar. Samples of exterior caulking, interior caulking, white linoleum flooring, brown and white squared linoleum sheet flooring, and 10-foot by 4-foot ceiling panels were collected for asbestos content analysis. None of the materials sampled were determined to be asbestos-containing. An accredited asbestos inspector presumed one suspect ACM, flat roofing tar, as containing asbestos. McCabe stated that this presumed ACM material may be impacted during work at the project location but should be left undisturbed until confirmatory testing can be conducted. McCabe stated that there may be materials concealed behind walls, floors, stairwells, cabinets and ceilings within the home that contain ACM that were not identified during the limited asbestos inspection. McCabe stated that all unidentified materials should be assumed to contain asbestos and treated as such. See LMI0001673R_AsbestosReport.</i></p> <p><i>Proper management precautions should be taken in the event that asbestos is encountered. Potential asbestos hazards should be managed in accordance with applicable regulations. All proposed project activities must comply with applicable federal, state, and local laws and regulations regarding asbestos.</i></p> <p>Lead</p> <p><i>The temporary MHU located at 14 West 3rd Street was manufactured in 1974 (based on insurance records maintained by Vanguard Associates; see LMI0001673R_Vanguard); because the MHU was constructed prior to 1978, lead-based paint is assumed to be present and is a potential concern. No lead hazard assessment or lead-based paint testing reports were provided for the proposed project. All activities must comply with applicable federal, state, and local laws and regulations regarding LBP, including but not limited to HUD's LBP regulations in 24 CFR Part 35 Subparts B, H, and J.</i></p> <p>Radon</p> <p><i>No testing or mitigation is required for structures that are in areas with ranks of Tier 3. The proposed project is located in a Tier 3 area; therefore, radon is a not a potential issue (see LMI0001673R_RadonPotentialMap).</i></p>
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5. Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves demolition, new construction, and rehabilitation, but not acquisition of undeveloped land, or change of land use.</i></p> <p><i>The environmental review considered potential impacts of the HUD-assisted project to threatened and endangered (T and E) species and, for animals, critical habitats. The review evaluated potential impacts not only to any listed, but also to any proposed or candidate endangered or threatened species and critical habitats. Projects that affect T and E species or critical habitats require consultation with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the Endangered Species Act.</i></p> <p><i>Review of the individual NJDEP HUD Environmental Review Tool layers for piping plover and red knot indicate that these species are not present on the project site or immediately surrounding properties (see LMI0001673R_EndangeredSpeciesMap). In addition, the NJDEP HUD Environmental Review Tool Centroid layer indicates that no federally listed or state-listed T and E species are documented on the project site. As a result, coordination with the NJDEP Division of Fish and Wildlife, Endangered Species Program (ENSP) was not required.</i></p> <p><i>The proposed project involves the demolition of an existing, temporary MHU and reconstruction and elevation of a new MHU within a municipality that is not mapped as an Indiana bat or northern long-eared bat occurrence area (maternity or hibernation). The USFWS IPaC landscape explorer tool was used to screen the proposed project locations to determine if consultation with USFWS was warranted. Review of the USFWS IPaC landscape explorer tool for the project locations indicated that neither the Indiana bat or northern long-eared bat are species that may occur or could potentially be affected by activities at these locations (see LMI0001673R_IPaCResults).</i></p> <p><i>The Bat Screening Questionnaire was completed to determine whether the proposed project would adversely impact federally listed Indiana bats, northern long-eared bats, or their habitats. Because the proposed project does not involve removal of trees, it may affect but is not likely to adversely affect Indiana bats or northern long-eared bats (see LMI0001673R_BatScreening).</i></p> <p><i>While bat surveys are no longer required for northern long-eared bats in buildings, if bats (of any species) happen to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot be knowingly harmed or harassed.</i></p> <p><i>As the proposed project involved demolition of the existing, temporary MHU and reconstruction and elevation of a new MHU, consultation with the NJDEP State Forestry Services – Natural Heritage Program (NHP) was required and determined, as shown in the Table 1: On Site Data Request Search Results under the Rare Plants/Ecological Communities Possibly On Site category, that no rare plant species or ecological communities currently recorded in the New Jersey National Heritage Database, natural heritage priority sites, vernal pool habitat, rare wildlife species or habitat based on search of Landscape Project 3.1 Stream Habitat File or other animals based on Additional Species Tracked by Endangered and Nongame Species Program are documented on the proposed project site. Two foraging wildlife habitats (snowy egret and yellow-crowned night-heron) are documented for the project site. The project would not impact these species because the project activities do not threaten their habitats.</i></p> <p><i>In Table 2: Vicinity Data Request Search Results, under the Rare Plants/Ecological Communities within the Vicinity category, no rare plant species or ecological communities currently recorded in the New Jersey National Heritage Database, natural heritage priority sites, vernal pool habitat, rare wildlife species or habitat based on search of Landscape Project 3.1 Stream Habitat File or other animals based on Additional Species Tracked by Endangered and Nongame Species Program are documented in the immediate vicinity (one quarter mile) of the proposed project. NHP determined that with regard to wildlife species and habitats, three foraging habitats (glossy ibis, snowy egret and yellow-crowned night-heron) are located within the immediate vicinity (one quarter mile) of the project site (see LMI0001673R_NJDEPNaturalHeritageProgramResponse). The project would not impact these species because the project activities do not threaten their habitats.</i></p> <p><i>Best management practices would be employed during demolition and reconstruction activities to ensure that vegetation, protected species, and critical habitat are not disturbed.</i></p> <p><i>The USFWS IPaC landscape explorer tool was used to generate a list of any federally listed endangered species on the project sites or in the project vicinity and to determine if consultation with USFWS was warranted (see LMI0001673R_IPaCResults). Results of this screening indicate that no endangered species or critical habitats are located on the project site or in the project vicinity. In addition, the IPaC tool identified 26 migratory birds on or within the vicinity of the proposed project sites. Because tree cutting and vegetation removal are not part of the proposed project activity, the project would not affect migratory birds (see LMI0001673R_IPaCResults).</i></p>
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6. Environmental Justice [Executive Order 12898]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves demolition, new construction, and major rehabilitation, but not acquisition, change of land use, or an adverse impact or condition with respect to an environmental issue.</i></p> <p><i>The thresholds for minority and low-income populations in New Jersey are 48.52 percent (urban areas) and 18.58 percent, respectively. The project area covers Census blocks that include environmental justice communities. The proposed project area contains Census tracts and blocks with moderate environmental justice communities, i.e., minority populations reported as 55 percent (72nd percentile) and populations below poverty level reported as 43 percent (68th percentile). See LMI0001673R_EnvironmentalJusticeMapPercentMinority and LMI0001673R_EnvironmentalJusticeMapPercentBelowPoverty.</i></p> <p><i>The project would not generate adverse resource or health effects or adversely impact residential, commercial, or community facilities or services that may be of importance to environmental justice communities. The project would not generate disproportionately high and adverse environmental impacts on environmental justice communities (see LMI0001673R_EnvironmentalJusticeChecklist).</i></p>
7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves a residential project involving new construction, but not rehabilitation where unit density is increased, change of land use to residential, vacant buildings made habitable or any project for industrial, commercial, institutional or recreational use, when the activity is new construction or change of land use.</i></p> <p><i>The definition of "HUD-assisted project" at 24 CFR 51.201 is predicated on whether the proposed project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to rehabilitate or mitigate housing that existed prior to the disaster is not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C where the number of dwelling units is not increased and the activities are limited to the existing footprint. As a result of the project's proposed action (demolition of an existing, temporary MHU and reconstruction and elevation of a new MHU), the number of dwelling units would not increase, and the activities would be limited to the existing footprint of the damaged MHU.</i></p>
8. Farmland Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition of undeveloped land, conversion of undeveloped land, or site clearance.</i></p> <p><i>Review of the NJDEP's HUD Environmental Review Tool indicated that the proposed project does not include farmland of unique importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service), prime farmland or farmland of statewide importance (see LMI0001673R_FarmlandProtectionMap).</i></p>

9. Floodplain Management [24 CFR 55; Executive Order 11988, particularly section 2(a)]	<input type="radio"/> A <input checked="" type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves building construction and rehabilitation, but not repair, acquisition, financing or leasing existing building, disposition, or construction of or improvements to infrastructure.</i></p> <p><i>The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using the NJDEP's HUD Environmental Review Tool. Per the screening tool, it has been determined that the entire proposed project, approximately 0.0275 acre, is located in a 100-year floodplain, i.e., Zone AE, with the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) layer applied. The FEMA Preliminary FIRMs layer is the first "best available information" in the screening tool (see LMI0001673R_FloodplainManagementMap).</i></p> <p><i>Per the FEMA National Flood Insurance Program (NFIP) FIRM Map for Bergen County, New Jersey, Panel 254 of 332, Community-Panel Number 34003C0254G dated September 30, 2005, the entire proposed project (approximately 0.0275 acre) is located within Zone AE. Zone AE is identified as areas where base flood elevations have been determined (see LMI0001673R_FIRM34003C0254G).</i></p> <p><i>The proposed project involves the demolition of an existing, temporary MHU and reconstruction and elevation of a new MHU on a lot located at 14 West 3rd Street in Moonachie. The new MHU would be installed on the currently occupied concrete pad. A CMU foundation sill up to 6 feet high would be built on the existing pad to elevate the new MHU. As the project involves demolition, reconstruction and elevation, it was determined that the project involves a substantial improvement, and an 8-step floodplain analysis was initiated.</i></p> <p><i>The results of the 8-step floodplain analysis indicate that there are no practicable alternatives to the proposed project (see LMI0001673R_8-StepProcessFloodplainAnalysis). An early public notification was posted on March 25, 2016, with a comment period of 15 days (see LMI0001673R_FloodplainEarlyNotice and LMI0001673R_FloodplainEarlyNotice_AgencyEmail). No comments were received (see LMI0001673R_FloodplainEarlyNoticeComments).</i></p> <p><i>Steps 7 and 8 of the 8-step process are not yet completed, but will be as follows:</i></p> <p><i>Step 7: If the only practicable alternative is locating in a floodplain, publish a final public notice.</i></p> <p><i>A final public notice will be published in accordance with 24 CFR Part 55 for a minimum of 7-day comment period. The notice shall state the reasons why the project must be located in the floodplain, provide a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received during the comment period will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55.</i></p> <p><i>Step 8: The proposed action can be implemented after steps 1 through 7 have been completed.</i></p> <p><i>Implementation of the proposed action may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.</i></p> <p><i>NFIP flood insurance is required as the project activity involves demolition of an existing, temporary MHU and reconstruction and elevation of a new MHU within a FEMA-identified Special Flood Hazard Area.</i></p> <p><i>Per DLUR, as this project will take place within a flood hazard area regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1. Reconstructing, relocating or elevating a building above the flood hazard area design flood elevation may qualify for a Flood Hazard Area permit-by-rule provided the criteria at N.J.A.C 7:13-7.2(a) 3 is met (see LMI0001673R_DLURResponse).</i></p>
10. Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves demolition, new construction, and rehabilitation, but not repair and acquisition, disposition, or ground disturbance.</i></p> <p><i>The applicant proposes to reconstruct (replace) and elevate a single MHU reportedly built in 1974 (per records on file with mobile home park management office; see LMI0001673R_Vanguard). The subject property occupies one mobile home park lot that measures an estimated 20 feet by 60 feet (0.0275 acre). The applicant proposes to replace the current storm-damaged MHU, which would be demolished, with a new unit and install it on the currently occupied concrete pad. A CMU foundation sill up to 6 feet high would be built on the existing pad to elevate the new MHU. The subject property is located in a Historic Property Exemption Zone ("Green Zone") delineated by a joint FEMA-NJ Historic Preservation Office (HPO) architectural reconnaissance team, to which the Deputy State Historic Preservation Officer (DHSPO) provided concurrence—Town: Moonachie Boro; Concurrence Date: 3/3/2013; HPO Project #: 13-0609-1 (see LMI0001673R_HistoricPreservationMap). Therefore, no further review for potential architectural resource issues is required pursuant to Programmatic Agreement (PA) Tier II Allowance VII.A.2. Utilizing the existing concrete pad within a lot of 0.0275 acre and involving an MHU manufactured less than 48 years ago, the project substantially conforms to the existing footprint and is not expected to result in substantial alteration to undisturbed soils, per review by a Secretary of Interior-qualified historic preservation professional, archeologist Christopher L. Borstel, Ph.D., RPA. No further review for potential archeological resource issues is required pursuant to PA Tier II Allowance VII.A.1.</i></p>

11. Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction for residential, but not acquisition, conversion, or new construction for other noise-sensitive developments such as hospitals, nursing homes, day care, community centers, etc. and does not involve reconstruction or rehabilitation projects where residential density is being increased.</i></p> <p><i>Per HUD directive, 24 CFR Part 51B is not applicable to a disaster recovery program, including rehabilitation and mitigation that meets the requirements for exclusion in 24 CFR 51.101(a) (3). The regulation states that HUD noise policy does not apply to "assistance that has the effect of restoring facilities substantially as they existed prior to the disaster." The proposed demolition of the existing, temporary MHU and reconstruction and elevation of a new MHU without increasing the existing footprint would restore housing substantially as it existed prior to Superstorm Sandy.</i></p>
12. Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition of undeveloped land or change of land use.</i></p> <p><i>Review of the NJDEP's HUD Environmental Review Tool indicated that the proposed project is not located in an area of a sole source aquifer (see LMI0001673R_SoleSourceAquifersMap).</i></p>
13. Wetlands Protection [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction, but not acquisition of undeveloped land, change of land use, or reconstruction on an expanded building footprint.</i></p> <p><i>A review of the NJDEP HUD Environmental Review Tool indicated that coastal and freshwater wetlands are not present on or adjacent to the project site (see LMI0001673R_WetlandsProtectionMap). A mapped wetland area (deciduous wooded wetlands) is present approximately 192 feet northwest of the site. Intervening development is present between the project location and the mapped deciduous wooded wetland area.</i></p> <p><i>Per DLUR, based on the information provided, it does not appear that the proposed project will impact freshwater wetlands and associated transition areas regulated under the Freshwater Wetlands Protection Act Rules at N.J.A.C 7:7A; therefore, a permit is not required (see LMI0001673R_DLURResponse).</i></p>
14. Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	<input checked="" type="radio"/> A <input type="radio"/> B	<p><i>The proposed project is in compliance. Of the applicable activities, it involves new construction and major rehabilitation, but not acquisition of undeveloped land or change in land use.</i></p> <p><i>New Jersey has 262.7 river miles designated as segments of the National Wild and Scenic Rivers System, including portions of the Delaware River, Great Egg Harbor River, Maurice River, and Musconetcong River. Designated rivers also include specific segments of tributaries to these rivers as referenced in the Act. The nearest Wild and Scenic River buffer zone, for the Musconetcong River, is approximately 39 miles from the project site (see LMI0001673R_WildandScenicRiversMap). The site is not located within ¼ mile of a Wild and Scenic River stream bank or within a one-mile radius of a designated Wild and Scenic River; therefore, the proposed project would not affect Wild and Scenic Rivers, and consultation with the National Park Service is not required.</i></p>

24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3), D]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☒ **No.** Cite or attach Source Documentation: [Project complies with 24 CFR 51.303(a)(3)]

The project site is not within any runway protection zones (formerly called runway clear zones) at airports subject to 24 CFR 58.6 or clear zones at military airfields subject to 24 CFR 58.6. The proposed project is located within Bergen County, New Jersey and did not require the use of the Environmental Review Tool because the county is too far away from the airports of interest (Newark Liberty International, Atlantic City International and the Lakehurst Naval Air Station) to be a concern. Therefore, preparation of an Airport Hazards map for the proposed project was not required.

Teterboro Airport is present to the north of the mobile home community containing the proposed project location beyond Moonachie Avenue. Due to the level of airport traffic at Teterboro Airport, this airport is not of concern.

☐ **Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

☒ **No.** Cite or attach Source Documentation: [Proceed with Project]

The nine designated units of the Coastal Barrier Resources System in New Jersey are uninhabited. The 12 "otherwise protected areas" associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. The proposed project activities would not occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. Documentation supporting this finding is presented in LMI0001673R_USFWSCoastalBarriersResourcesMap.

☐ **Yes.** Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

☐ **No.** Cite or attach Source Documentation: [Proceed with Project]

☒ **Yes.** Cite or attach Source Documentation:

The presence of a Special Flood Hazard Area (100-year floodplain, zones A or V) was determined by using the NJDEP's HUD Environmental Review Tool. Per the screening tool, it has been determined that the entire proposed project, approximately 0.0275 acre, is located in a 100-year floodplain, i.e., Zone AE, with the FEMA Preliminary FIRM layer applied. Zone AE is part of Zone A as presented in the FEMA Preliminary FIRM layer legend. The FEMA Preliminary FIRMs layer is the first "best available information" in the screening tool. Documentation supporting

this finding is presented in LMI0001673R_FloodplainManagementMap.

Per the FEMA NFIP FIRM Map for Bergen County, New Jersey, Panel 254 of 332, Community-Panel Number 34003C0254G dated September 30, 2005, the entire proposed project (approximately 0.0275 acre) is located within Zone AE. Zone AE is identified as areas where base flood elevations have been determined (see LMI0001673R_FIRM34003C0254G).

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☒ **Yes. Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

☐ **No. Federal assistance may not be used in the Special Flood Hazard Area.**

☐ **N/A**

Summary of Findings and Conclusions

Field Inspection (Date and completed by):

Field inspection conducted on March 8, 2016, by Matt Adelson, Tetra Tech (see LMI0001673R_FieldInspectionReport and LMI0001673R_PhotoLog).

Summary Statement of Findings and Conclusions:

Based upon completion of this analysis, environmental review of the proposed project indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969. The proposed project complies with environmental requirements for funding. The proposed project will have a net benefit on the community.

Required Mitigation and Project Modification Measures: [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20]
(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

The following mitigation measures are required as conditions for approval of the project:

General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all

permit conditions.

2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

Air Quality

3. Use water or chemical dust suppressant in exposed areas to control dust.

4. Cover the load compartments of trucks hauling dust-generating materials.

5. Reduce vehicle speed on non-paved areas and keep paved areas clean.

6. Retrofit older equipment with pollution controls.

7. Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.

8. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.

9. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:

a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);

b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);

c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and

d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

10. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

11. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (less than 15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).

12. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

Coastal Zone Management

13. A zoning certificate must be obtained prior to the commencement of any site work, including land improvement and fill placement and construction, moving, remodeling or reconstruction of any structure or structure addition (with the exception of building demolition and maintenance).

Endangered Species

14. While bat surveys are no longer required for northern long-eared bats in buildings, if bats (of any species) happen to be discovered during the process of renovations/demolitions/etc., work should cease and the construction manager should contact Mackenzie Hall, New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, at 609-292-1244 on how to proceed. All bat species are protected by law in New Jersey and cannot be knowingly harmed or harassed.

Floodplain

15. All proposed reconstruction, repair, and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules

(N.J.A.C. 7:13).

16. As this project will take place within a tidal floodplain regulated under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-1.1, reconstruction and elevation projects within the same footprint may qualify for a Flood Hazard Area permit permit-by-rule provided the criteria at N.J.A.C. 7:13-7.2(a)3 is met.

17. All structures funded by the Low-to-Moderate Income (LMI) Homeowner Rebuilding Program, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)].

18. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

Hazardous Materials

19. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials
- New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

20. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

21. All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.

22. All residential structures must be free of mold attributable to Superstorm Sandy.

23. During demolition, reconstruction and elevation activities, contractors should take all required precautions to ensure that the AST associated with the subject MHU is either avoided or removed according to pertinent local and state requirements.

CERTIFICATIONS

Vadim Petrov, TetraTech

2016-04-21 23:05:12

Preparer Agency and Name

Completion Date


RE Certifying Officer Name


RE Certifying Officer Signature

4/27/16
RE CO Signature Date